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RE: ASSOCIATION OF BAY AREA GOVERNMENTS
FIFTH DAY OF THE SIXTH CYCLE REGIONAL HOUSING NEEDS
ASSESSMENT (RHNA) APPEALS HEARING:
ADMINISTRATIVE COMMITTEE

**CERTIFIED
TRANSCRIPT**

REPORTER'S TRANSCRIPT OF PROCEEDINGS VIA ZOOM
VIDEOCONFERENCE
FRIDAY, OCTOBER 22, 2021
AFTERNOON SESSION

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1 MEMBERS PRESENT:
2 MAYOR JESSE ARREGUIN, PRESIDENT
3 MAYOR PAT EKLUND
4 MAYOR NEYSA FLIGOR
5 MAYOR DAVE HUDSON
6 SUPERVISOR OTTO LEE
7 SUPERVISOR RAFAEL MANDELMAN
8 SUPERVISOR KAREN MITCHOFF
9 SUPERVISOR BELIA RAMOS
10 MAYOR CARLOS ROMERO

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1 PROCEEDINGS; FRIDAY, OCTOBER 22, 2021; P.M. SESSION

2

3 PRESIDENT ARREGUIN: So the ABAG
4 administrative committee is now back in session. Thank
5 you for waiting patiently as we took a break between
6 these appeals. We'll now proceed to Item 6.e. This is
7 regional housing needs allocation appeal for the City of
8 Palo Alto. This is a preliminary action item.

9 And as with the other appeals that we heard
10 today, we will begin with a presentation from the
11 appellate jurisdiction. And so, first, we will hear
12 from the City of Palo Alto who will have five minutes to
13 present their appeal.

14 And may I ask who will be presenting on behalf
15 of the City of Palo Alto?

16 MR. LAIT: Thank you. This is Jonathan Lait,
17 director for planning and development services for the
18 City of Palo Alto.

19 PRESIDENT ARREGUIN: Okay. Thank you very
20 much. And your slide deck is on the screen, and you may
21 proceed at any time.

22 MR. LAIT: Great. Thank you, Chair, and good
23 afternoon committee members.

24 We can go to the next slide.

25 This appeal is being brought forth in

1 accordance with the Government Code sections. I'm sure
2 the committee members are well aware of those
3 requirements.

4 We can go to the next slide.

5 The City of Palo Alto has long been a
6 supporter of affordable housing and has one of the
7 oldest inclusionary programs in the state. We have
8 about 2200 income-restricted units, which represents
9 about eight percent of our total in housing stock being
10 income restricted for low income housing.

11 We have a history of affordable housing
12 projects, including a number of projects that are
13 already in the queue that we've helped fund, and then
14 also are collaborating with the county to advance
15 projects for workforce housing and housing for
16 developmentally disabled.

17 We have other supportive housing projects in
18 the city, including an 88-unit supportive housing
19 project at the Opportunity Center, and we are currently
20 working on a homeless shelter within the city as well.

21 We can go to the next slide.

22 The appeal that is being brought forward
23 focuses on a number of areas. One is the -- first area
24 is some technical deficiencies that we believe are
25 present.

1 And I'd like to take a moment just to thank
2 ABAG MTC staff for their help throughout this process.
3 They have worked with us to identify some properties
4 that we didn't think, and that they agreed with, were
5 not appropriate for inclusion. There are, however, two
6 properties that remain in question for us, and a couple
7 of other properties that have unrealistic densities.

8 If we can go to the next slide, please?

9 The two properties that we think should be
10 excluded from the housing projections are outside of the
11 city's jurisdiction and belong to the local school
12 district. That totals about 93 housing units.

13 The other six properties have unrealistic
14 housing projects, including one extending as high as
15 1,600 units per acre, and that happens to be the same
16 site I was just mentioning a moment ago with the 88
17 units of supportive housing.

18 ABAG staff notes in their staff report to the
19 Committee that this is, you know, more of a challenge on
20 the methodology itself and not really a basis for an
21 appeal.

22 The City of Palo Alto would argue otherwise,
23 noting that feeding inaccurate information into the
24 methodology in and of itself is a misapplication of
25 this -- of the RHNA process there. So we would

1 recommend that the committee focus on these units. And
2 as I think I noted before, 185 units reduction.

3 Next slide, please.

4 This is another area where the City of Palo
5 Alto thinks that the effort to advance the RHNA
6 objectives are not being met because it's not furthering
7 the housing goals to promote intraregional relationships
8 between jobs and housing.

9 This is an instance where the City of Palo
10 Alto, at its own initiative and at its own economic
11 detriment has capped off its development in the city.
12 And we have statistical information that shows that that
13 cap has actually reduced the number of office square
14 footage that is constructed, and, correspondingly, the
15 number of jobs that are generated in Palo Alto.

16 We believe this is not an attack on the
17 methodology but, rather, a legitimate appeal that does
18 not recognize and should result in fewer units to the
19 City of Palo Alto.

20 Fundamentally, it is being penalized for
21 reducing or trying to achieve a jobs/housing balance by
22 reducing the amount of office that can be built -- built
23 over time and including throughout this sixth cycle
24 period.

25 Next slide, please.

1 Seeing I'm short on time, I'll just quickly
2 note there are a number of other areas. The fact that
3 Palo Alto is being assigned at least half of its plan
4 Bay Area projections within this one eight-year cycle
5 seems unfair.

6 Next slide, please.

7 CLERK OF THE BOARD: One minute.

8 MR. LAIT: And you've heard throughout --
9 throughout these proceedings municipalities being
10 concerned about the unforeseen impacts of COVID-19. We
11 do believe there will be a higher amount of
12 telecommuters than are accounted for in the methodology,
13 in that there still remains some research and analysis
14 that needs to be done with respect to the implications
15 of COVID and post-pandemic land-use planning.

16 Next slide, please.

17 Okay. This is last slide. It simply
18 summarizes the city's request for a reduction in RHNA
19 housing units.

20 Again, we have roughly 6,000 units that have
21 been assigned to us, and we're asking for a reduction
22 based on the technical errors, local planning factors,
23 and unforeseen circumstances, request a reduction of
24 upwards of 1,500 units.

25 And for rebuttal, I will have former mayor and

1 present city councilmember Eric Filseth offer some
2 remarks.

3 But that concludes my presentation, and I want
4 to thank the committee for your attention.

5 PRESIDENT ARREGUIN: Thank you very much.

6 So I'd now like to ask ABAG MTC staff to
7 present their response to the appeal from the City of
8 Palo Alto.

9 MS. ADAMS: Thank you.

10 Next slide, please.

11 So the City of Palo Alto is requesting a
12 reduction of 1,500 units, a reduction of 25 percent from
13 its draft allocation, and staff's recommendation is to
14 deny the appeal.

15 Next slide, please.

16 Palo Alto argues there were errors in the Plan
17 Bay Area 2050 final blueprint, including housing
18 forecasted on school district sites and sites that the
19 city asserts that there are unrealistic projections
20 based on parcel size.

21 A review by ABAG MTC found that the households
22 on the parcels in question are all related to final
23 blueprint baseline data for year 2015, and no growth is
24 forecasted on any of the parcels between 2015 and 2050.

25 Because year 2015 conditions are at the

1 jurisdiction level, the location of existing households
2 within the city has no impact on the jurisdiction's
3 total households in 2015.

4 The Bay Area has millions of parcels and
5 identifying a potential data issue on specific parcels
6 is not a valid basis for a RHNA appeal. The RHNA
7 allocation is at the jurisdiction level and does not
8 dictate where jurisdiction sites housing.

9 Next slide, please.

10 While the city's arguments fall outside the
11 scope of a RHNA appeal, ABAG MTC staff reviewed each of
12 them to better understand the details for these sites in
13 the final blueprint.

14 For Site 1, the 77 housing units at Hoover
15 Elementary school are not actually on the school site
16 but, rather, are located on a parcel adjacent to the
17 school for Site 2. The 16 housing units at Frank Greene
18 Middle School should have been located elsewhere in Palo
19 Alto, but, again, do not affect the jurisdiction's total
20 households, and, thus, have no impact on the city's RHNA
21 as described previously.

22 For Sites 3 to 8, although these households
23 might be attributed to the wrong parcel, or in some
24 cases assigned to a single parcel instead of being
25 distributed across multiple adjacent parcels, it, again,

1 does not change the total number of households in 2015
2 or Palo Alto's RHNA.

3 Next slide, please.

4 Palo Alto argues the way its office
5 development cap was treated in the final blueprint
6 resulted in more housing projected for the city, which
7 it asserts does not further the statutory objective to
8 improve the intraregional relationship between jobs and
9 housing. This argument challenges the final blueprint
10 forecasting methodology, which falls outside the scope
11 of the RHNA appeals process.

12 HCD has the authority to determine if the RHNA
13 methodology furthers the statutory objectives, and HCD
14 found that ABAG's methodology does further the
15 objectives.

16 When ABAG MTC staff incorporated Palo Alto's
17 office cap in the final blueprint, the land use modeling
18 showed that some sites that were not available for
19 office development because of the cap would still be
20 attractive to the offers for residential use instead.

21 While staff recognized how the city's office
22 development cap can help make headway on the city's
23 jobs/housing imbalance by limiting job growth, the final
24 RHNA methodology would enable further headway by
25 requiring the city to identify sites to increase housing

1 opportunities for persons at all income levels.

2 Next slide, please.

3 Regarding Palo Alto's arguments about a
4 disconnect between Plan Bay Area 2015 and RHNA, the RHNA
5 methodology considers both the distribution of household
6 growth from Plan Bay Area 2050, as well as opportunities
7 to maximize use of public transportation by
8 incorporating the Plan Bay Area 2050 final blueprint as
9 the baseline allocation.

10 Housing element law requires RHNA to be
11 consistent with the Plan Bay Area 2050 development
12 pattern but does specify how to determine consistency,
13 giving ABAG discretion to define its approach.

14 The final blueprint growth forecasts are
15 adopted at the county and subcounty levels only. And
16 the approach used throughout the RNHA methodology
17 development process deems RHNA consistent with the plan
18 if the eight-year RHNA does not exceed the plan's
19 35-year housing growth at the county or subcounty
20 levels. This evaluation shows that RHNA is consistent
21 with Plan Bay Area 2050.

22 Next slide, please.

23 Palo Alto argues that COVID-19-related impacts
24 represent a change in circumstances, but HCD's comment
25 letter on appeals indicates that RHNA appeals based on

1 changes caused by COVID-19 do not fall within the appeal
2 criteria defined by statute.

3 The potential impacts of COVID, including an
4 accelerated shift toward telecommuting have been
5 incorporated into the RHNA methodology for use of the
6 final blueprint as the baseline allocation.

7 Impacts from COVID are unique to any single
8 jurisdiction, and the appeal does not indicate that Palo
9 Alto's housing need has been disproportionately impacted
10 relative to the rest of the Bay Area. The pandemic is
11 not a cause for a reduction in RHNA for any particular
12 jurisdiction.

13 In addition, critiques of how the final
14 blueprint accounts for COVID fall outside the scope of
15 the RHNA appeals process.

16 Next slide, please.

17 Thus, ABAG MTC staff recommends that the
18 committee deny the appeal filed by Palo Alto.

19 Thank you.

20 PRESIDENT ARREGUIN: Okay. Thank you very
21 much. So now I'd like to give the floor to the City of
22 Palo Alto to provide a response to the staff
23 presentation.

24 MR. FILSETH: Yeah. Thanks very much. Is
25 there any chance I can have the screen for a minute?

1 PRESIDENT ARREGUIN: The presentation that you
2 presented?

3 MR. FILSETH: No, another chart that's going
4 to help me --

5 PRESIDENT ARREGUIN: If you are a panelist,
6 you should be able to share screen, I believe.

7 CLERK OF THE BOARD: And we'll also request a
8 copy of that file, please, for our records.

9 MR. FILSETH: Absolutely, absolutely.
10 Can everybody see this?

11 PRESIDENT ARREGUIN: Yes.

12 MR. FILSETH: Okay. So I want to make three
13 points. So thank you very much. I want to make three
14 points.

15 First, I want to explain -- make sure everyone
16 understands what we do, especially in terms of our
17 office cap, but in terms of our comp plan over the
18 last -- 2015 to 2018.

19 Now, I have a couple of suggestions on process
20 that maybe the group can consider incorporating in sort
21 of future -- future efforts.

22 First, we are not opposed to jobs in Palo
23 Alto, and limiting economic development clearly put
24 extra strain on our city finances. But after the first
25 few years of the boom -- we recognize this whole

1 situation the same way you do. It's a huge problem. We
2 all saw the effects. Traffic, congestion, pollution,
3 loss of middle income workers, all of it.

4 So when we went through our comp plan update,
5 which took three years, and there was a lot of really
6 passionate argument, and, basically, we did a
7 combination of commercial growth limit plus residential
8 upzoning. Usually, cities fight each other for economic
9 development, so the notion that we ought to suppress it
10 was incredibly controversial. But we took this problem
11 really seriously, and the data shows it worked.

12 Palo Alto's job growth since 2016 has been
13 zero. We have not added any net new jobs since 2016,
14 while the rest of the region is still increasing
15 rapidly. And we've seen some upticks in housing
16 production, which have been modest, but our pipeline is
17 clearly growing.

18

19

20 So we're at a point today -- I just want to
21 make sure everybody knows this, we are now producing new
22 housing supply faster than new housing demand, which is
23 just unheard of, okay, in Bay Area cities.

24 Yeah, we took some radical measures to get
25 there, and they may not be for everybody. It may not be

1 the only way to balance jobs and housing growth, but it
2 is the first one I know of that has actually worked in
3 practice on the ground. So please don't punish us for
4 this. Instead, give us credit for attacking this and
5 executing a plan that works.

6 We saw the idea that, well, if we're not
7 adding jobs, then somebody else can use that space for
8 housing. I think we all know it doesn't really work
9 that way in the real world like that. Even if it did,
10 if you got job growth in this geography and housing
11 growth over in that geography --

12 CLERK OF THE BOARD: One minute.

13 (Simultaneous colloquy.)

14 MR. FILSETH: -- transportation and the
15 climate problem. So it's a very highly-constrained
16 problem that we are all facing. Please give us some
17 credit for coming up with at least one working model
18 that actually works.

19 Okay. So I've got a couple of process
20 suggestions.

21 First, I think you should consider weighting
22 the current job growth more heavily, the best indicator
23 of future job growth, at least in the relative near
24 term.

25 I know you folks have looked at the

1 theoretical opportunity, and that's certainly an
2 important factor, but it doesn't factor conditions on
3 the ground, and you've still got cities, including some
4 very large ones, right, whose current rate of job growth
5 is still much, much higher than even their revised RHNA
6 targets can support. Barring sudden changes in job
7 growth, that's likely to continue ratcheting up at least
8 the local housing deficit, which goes back to the
9 transportation emissions problem. So please consider
10 overweighting the current job growth relative to other
11 factors.

12 And then, finally, a huge amount of the
13 region's both jobs and housing growth has been driven by
14 these big mixed-use projects that may add hundreds of
15 housing units, but they pay for those by adding so much
16 office space in order to make the economics work, that
17 they ultimately produce even higher housing demand, in
18 many cases much higher housing demand. And there are a
19 lot of these projects in city approval pipelines on the
20 peninsula right now.

21 These projects count heavily towards the
22 city's RHNA allocation. Even though they make the whole
23 regional problem worse, but because the RHNA process
24 monitors only new supply and not new demand, we cities
25 are heavily incentivized to encourage these projects,

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1 even though they make our whole situation worse. And I
2 can tell you --

3 CLERK OF THE BOARD: Time, please.

4 MR. FILSETH: -- that all of us cities are
5 looking at these RHNA numbers and wondering how the heck
6 we're going to meet them.

7 PRESIDENT ARREGUIN: Sir, I need to ask to you
8 wrap up.

9 MR. FILSETH: Thank you very much. I'm almost
10 done.

11 So, yes, I know ABAG has tried to factor in
12 future demand, but the way RHNA is done today actually
13 perturbs the system and puts a thumb on the scale and
14 pushes cities to do bad behavior. So I want to suggest
15 future RHNA cycles consider monitoring both new supply
16 and new demand.

17 What we found, through our experience in the
18 last few years, is that using commercial entitlement to
19 modulate the rate of job growth, that really works,
20 okay, and cities can do it, especially on these
21 mixed-use projects where they're both built at the same
22 time.

23 PRESIDENT ARREGUIN: Sir, you have to wrap up.
24 Your time is up.

25 MR. FILSETH: Please link them intelligently.

1 Thank you.

2 PRESIDENT ARREGUIN: Thank you. Okay. Thank
3 you for that rebuttal. So we'll now go to public
4 comment on the appeal from the City of Palo Alto. And
5 if you wish to speak on the RHNA appeal from the City of
6 Palo Alto, please raise your hand at this time if you
7 are on the Zoom platform.

8 CLERK OF THE BOARD: Mr. Filseth --

9 PRESIDENT ARREGUIN: Or press *9 if you are
10 going to -- yes.

11 CLERK OF THE BOARD: I'm sorry. If
12 Mr. Filseth could please stop sharing his screen.

13 MAYOR EKLUND: Thank you.

14 PRESIDENT ARREGUIN: Okay. Once again, we
15 will now proceed to public comment on the appeal from
16 the City of Palo Alto. If you wish to speak on this
17 appeal, please raise your hand if you are on the Zoom
18 platform or press *9 if you phoning in.

19 As I summarized at the beginning of the
20 hearing today, if there are less than five speakers,
21 each speaker will have two minutes. If there are five
22 or more speakers, time will be one minute. So let's
23 proceed to the first speaker.

24 CLERK OF THE BOARD: Our first speaker is
25 Aaron Eckhouse. Go ahead, please.

1 MR. ECKHOUSE: Hello. Thank you. Aaron
2 Eckhouse, regional policy manager with California YIMBY.

3 I think you heard from staff why the appeal
4 from Palo Alto does not meet the grounds for appeal and
5 should be rejected. I'd like to talk a little more
6 about Palo Alto's claim that its cap on office growth
7 makes it some kind of regional housing leader, because I
8 think that that claim is just risible.

9 So, you know, for starters, office caps are
10 not a housing strategy. They do not provide a single
11 new home for a single person. Furthermore, it's very
12 easy for Palo Alto to say no more jobs development when
13 they already have so many jobs within the city.

14 Palo Alto has the highest jobs/housing ratio
15 in all of Santa Clara County at 3.54. That's almost
16 40 percent higher than the next highest city, the City
17 of Santa Clara.

18 Palo Alto's current job/housing ratio is so
19 bad that if they added zero new jobs over the next
20 decade and built out their entire allocation of over
21 6,000 new homes, they would still have the highest
22 jobs/housing ratio in all of Santa Clara County. Zero
23 new jobs and 6,000 new homes.

24 So, I mean, as staff noted, at some point if
25 Palo Alto cares so much about addressing the housing

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1 crisis they have to actually build some homes, and this
2 allocation is a step towards requiring them to do that.

3 And I hope you will reject this appeal.

4 CLERK OF THE BOARD: Thank you.

5 Our next speaker is Robin Ghosh. Go ahead,
6 please.

7 MR. GHOSH: Hi, everyone. Can you hear me?

8 PRESIDENT ARREGUIN: Yes.

9 MR. GHOSH: Hi. My name is Robin Ghosh. I am
10 a student activist with Peninsula for Everyone. I am
11 actually in college in DC right now, but I have called
12 back into this meeting tonight -- or today to very
13 clearly say that as a Palo Alto resident, I support
14 housing in Palo Alto. I want more neighbors, and please
15 deny this appeal.

16 This appeal is embarrassing as a Palo Alto
17 resident. We should be proudly meeting our obligations
18 to build housing as a community, and we should not be,
19 you know, asking for ways to get around those
20 obligations.

21 So please deny this appeal. As a Palo Alto
22 resident, I implore you to do that.

23 Thank you to everyone on the ABAG MTC and huge
24 thank you to ABAG MTC staff.

25 CLERK OF THE BOARD: Thank you.

1 Next speaker is Richard Mehlinger. Go ahead,
2 please.

3 MR. MEHLINGER: Shame, shame, shame. Shame on
4 the City of Palo Alto for this ridiculous appeal. Shame
5 on the City of Palo Alto saying that having to build a
6 few thousand new homes, when they have a 3.54
7 jobs/housing ratio is somehow some terrible imposition
8 on them.

9 You know, there's -- I will say this: Palo
10 Alto is right on one thing, which is that they didn't
11 get the correct RHNA allocation. Their RHNA allocation
12 should not have been 6,000 homes. It should have been
13 30.

14 What Palo Alto is doing, what it has been
15 doing over the course of several decades with the
16 unrestricted jobs growth paired with the completely
17 restricted housing -- complete restriction of new
18 housing has been to gentrify not just its own city, not
19 just its neighbors, but to help drive the gentrification
20 of the entire San Francisco Bay Peninsula.

21 This is special pleading from probably the
22 single worst actor in the region. And somehow now that
23 they're being asked to do their fair -- not even their
24 fair share -- a fraction of their fair share, that
25 that's too much -- I want to remind you that Mayor

1 Filseth, who spoke here today, he got his political
2 start by running a campaign to kill an affordable senior
3 housing project back in 2014.

4 You know, so what we're seeing here today,
5 what we're seeing in this appeal, it's crocodile tears.
6 It's completely insincere. This appeal should be
7 rejected with prejudice. And, if anything, ABAG should
8 be considering how they can add additional units to the
9 RHNA allocation for Palo Alto.

10 Thank you very much. I yield back.

11 CLERK OF THE BOARD: Next speaker is Ryan
12 Globus. Go ahead, please.

13 MR. GLOBUS: Thank you. My name is Ryan
14 Globus. I am a former resident of Palo Alto. I
15 currently live in San Jose. The reason why I moved to
16 San Jose is because, despite the fact my husband and I
17 both work in tech, we wanted to buy a home, but we could
18 not afford to do that in Palo Alto.

19 I love San Jose, but, hopefully, it gives you
20 an indication of what the economics of the housing
21 market are like in Palo Alto when even two tech workers
22 can't afford to buy there.

23 So please deny this appeal.

24 I would also like to add that, you know, Palo
25 Alto says they want affordable housing, they say they're

1 doing all they can, meanwhile, you know, they sit in a
2 city hall that's well over 50 feet, but they have a
3 50-foot height limit across the city.

4 They bemoan the loss of housing with the
5 President Hotel, which was in downtown Palo Alto, yet
6 they will not allow new housing developments like it to
7 be built because of height limits, because of parking
8 restrictions, because of setbacks.

9 So they have the tools to create this new
10 housing, and they have the land, they have the
11 economics, they simply do not want to. So please,
12 please, please deny this appeal.

13 Thank you very much.

14 CLERK OF THE BOARD: Thank you. Next speaker
15 is Kelsey Banes. Go ahead, please.

16 MS. BANES: Hi. Good afternoon. This is
17 Kelsey Banes with YIMBY Action. I am a Palo Alto
18 resident, and, like all the other speakers thus far,
19 encourage you to deny this appeal.

20 I really appreciate all the comments today
21 from the ABAG board members speaking up for the needs of
22 the workers of Santa Clara County.

23 I agree with previous speakers that I think
24 this is the single most shameful appeal that you'll hear
25 in your many days of hearings.

1 Palo Alto is a city that is rich in many ways.
2 Rich with great jobs, particularly in healthcare and in
3 education; rich in schools and parks; and rich in social
4 capital. Where we are poor is in leaders with
5 imagination and courage to do the right thing.

6 Palo Alto's appeal claimed that projects in
7 excess of 120 units an acre are unrealistic, but the
8 only affordable housing project we have approved this
9 cycle was 126 units an acre. The reality is that Palo
10 Alto has turned their nose up at hundreds of apartments
11 this year, saying they are too tall, too dense, with not
12 enough parking.

13 And as Aaron Eckhouse said, unbuilt offices
14 don't put roofs over people's heads. You actually need
15 to build housing for people to be housed in. I can't
16 live in an office that you didn't build.

17 So I agree with previous speakers that the
18 target should be higher, but at minimum, please deny
19 this appeal. Thank you.

20 CLERK OF THE BOARD: Thank you. And this is
21 our sixth speaker, Mr. Chair, so one minute.

22 PRESIDENT ARREGUIN: Yes.

23 CLERK OF THE BOARD: Next speaker is Arthur
24 Keller. Go ahead, please.

25 MR. KELLER: Hi. I ask you to accept the

1 appeal because the numbers are too high. One hundred
2 twenty-seven units per acre is ridiculous. This is too
3 high. It does not have enough parking, and it would
4 decrease the quality of life. We need to declare parks
5 and all sorts of things that go along with the housing
6 units, and we don't have parks. We don't have -- we
7 don't have the appropriate facilities for having these
8 housing units.

9 I appreciate it if the appeal is sustained and
10 the number of units were reduced. Thank you.

11 CLERK OF THE BOARD: Thank you. Next speaker
12 is Jordan Grimes. Go ahead, please. One minute.

13 MR. GRIMES: Yes. Good afternoon again,
14 committee members. Thank you so much for your time.

15 Like others, I would just like to strenuously
16 object to this appeal, urge its denial.

17 Between 2010 and 2018, Palo Alto added 20,475
18 jobs, per census data. In that same time per HUD, they
19 have added fewer than 1,500 new homes.

20 Palo Alto, as others have said, is a massive
21 driver of gentrification and displacement in the region,
22 including in cities like East Palo Alto, like Belhaven
23 and Menlo Park, like North Fair Oaks and Redwood City.
24 Palo Alto is quite possibly the worse actor, the
25 egregiously -- is quite possibly the worst actor on

1 housing in the state.

2 They currently have sitting on council a
3 member who says that there is no housing shortage, you
4 just need a superb realtor like her.

5 This city is truly absurd, this appeal is
6 absurd, and I urge you to reject it out of hand.

7 Thank you so much.

8 CLERK OF THE BOARD: Thank you. There are no
9 other members in the attendees with their hands raised,
10 no members of the public with their hands raised at 375
11 Beale, and no written comments were received.

12 Thank you.

13 PRESIDENT ARREGUIN: Okay. Thank you.

14 So that completes public comment on the Palo
15 Alto appeal. It is now in order for the committee to
16 discuss and take preliminary action on the appeal. And
17 I will now recognize Mayor Hudson.

18 MAYOR HUDSON: Yeah. I'm going to try not to
19 be as nasty as I've been all day, but I want to remind
20 everybody Santa Clara County dropped 52,000-plus homes
21 on everyone else on the last iteration before we took
22 Methodology 8. It was supported by an overwhelming
23 number of people from Santa Clara County at our meeting,
24 more than any other county, certainly Contra Costa.

25 Maybe where I'm coming from is a little bit

1 easier to understand if you understand my city. My
2 number is 5,111. My city is pretty well built out. We
3 have a voter-approved general plan that said we will end
4 up at 93,460 people. Before then I never heard of San
5 Ramon being over 80,000 people. We are at about 85,000
6 right now.

7 To solve our problem, the owner of a business
8 park, which we're fortunate to have just one person own,
9 an 11-million square feet of commercial space business
10 park, converted or will convert, has been approved, a
11 parking lot for what used to be AT&T and part of
12 Chevron, two of our obviously fairly big tenants in the
13 city, to 4,500 homes, Citywalk, and give transit to
14 anybody that lives and works in the city.

15 That tells me it can be done. We have another
16 404 units that he is tearing down one of his business
17 parks, four or five buildings, to put 404 more in there,
18 all to make this work.

19 I haven't heard one complaint about it, other
20 than people don't want more housing and all the reasons
21 that we've heard during the day. But the point I want
22 to make is it can be done if you look for a solution,
23 and if you think it's cheaper to do it that way, go
24 price out what these -- the four and five-story parking
25 structures he's going to have to rebuild for the

1 commercial that has not been torn down.

2 It's going to work if you want to make it
3 work, and, unquestionably, those speakers who came on
4 here to tell you that three and four jobs per housing is
5 not acceptable anymore are on the right side of this
6 equation. You shouldn't even be appealing 1.1 or 2.5
7 to 1.

8 My city did, and I couldn't talk them out of
9 it. But the other panelists that you're going to hear
10 from sure did when the appeal was denied.

11 We have to solve the problem. Housing is more
12 than a million homes behind, and the primary offender is
13 in Santa Clara County, and one of them is before us
14 right now. I will be voting to deny this appeal.

15 PRESIDENT ARREGUIN: Thank you.

16 Mayor Eklund.

17 MAYOR EKLUND: Thank you very much, Mayor
18 Arreguin. I have one question for staff.

19 Help me to consider, does ABAG consider land
20 ownership when you're deciding whether there's available
21 land or not?

22 MR. VAUTIN: I'm happy to take that question.

23 You know, we look at different sites across
24 the region, both publicly-owned sites and
25 privately-owned sites. You know, in plan Bay Area 2050

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1 there's a specific strategy that's designed to encourage
2 more housing on public lands. And so there are sites
3 across the region in which public lands part of the
4 equation. But most of the developments envisioned in
5 the coming decades are on privately-owned lands.

6 MAYOR EKLUND: So the answer to that is, yes,
7 you do consider ownership of property. Great.

8 With that then, I'd like to move support of
9 the denial of the appeal.

10 PRESIDENT ARREGUIN: Take a preliminary --

11 MAYOR EKLUND: Preliminary action. I'm sorry.
12 Preliminary action to deny appeal.

13 PRESIDENT ARREGUIN: Is there a second?

14 SUPERVISOR RAMOS: Second by Ramos.

15 MAYOR ROMERO: I second the motion.

16 PRESIDENT ARREGUIN: Seconded by Vice
17 President Ramos. Thank you.

18 Mayor Romero?

19 MAYOR ROMERO: Yes. So, first of all, I do
20 want to compliment Palo Alto on the fact it has the
21 resources, the brains, and the staff to meet the housing
22 numbers in this planning exercise. You are a wealthy
23 community. You have superb planning staff. And,
24 certainly, you've had vision coming from that city
25 council in the past.

1 I find it very difficult to accept that Palo
2 Alto's numbers at 10,058 originally projected under our
3 first iteration this time around of RHNA, your numbers
4 dropped by 4,000 units, exported outside of the county,
5 as Mayor Hudson has said.

6 Yet you come before us today -- and I am the
7 mayor of your neighboring city -- and I hope we speak
8 again on this issue -- but you come before us and
9 request an additional reduction because you are saying
10 you cannot meet those numbers, when, in effect, over the
11 last 30 years, again, through your brilliance, your
12 brains, and your resources you have created 32,000 jobs
13 in your community; one of the wealthiest communities
14 around with a lot of wherewithal.

15 And for you now to come before us and say that
16 the past is forgotten and that now we must have other
17 folks who have not had that type of generous job
18 development carry the burden that has been created by
19 your fabulous economic development, I do believe is
20 disrespectful of the counties and neighbors around you.

21 I certainly want to work with Palo Alto in the
22 future to address our mutual interests. We have at
23 least a thousand units that are in the planning process
24 that are right next door to you. I certainly hope you
25 will be accepting of those units we are planning to put

1 forward.

2 I think mutually we could work together to
3 figure out where these units should go and how, indeed,
4 all of our cities can contribute to a massive problem,
5 as we have all said, has been created by communities for
6 decades ignoring the fact that we all need to provide a
7 fair share of housing at all income levels.

8 I will be voting to deny this appeal.

9 PRESIDENT ARREGUIN: Thank you.

10 Any other questions or comments from members
11 of the administrative committee? Supervisor Lee.

12 SUPERVISOR LEE: Yes. Good afternoon. I just
13 want to say that the City of Palo Alto certainly has
14 gotten a lot of not-so-positive comments today. But I
15 just went to Palo Alto a couple of months ago to look at
16 using one of their lands to put in over a hundred units
17 for the unhoused. And we talked about containerized
18 housing units, which is very successful with a pilot
19 project in Mountain View. I just want to congratulate
20 the Palo Alto City Council for that type of thinking
21 because, obviously, transitional housing is something
22 that's very, very hard to build, and that's something
23 Palo Alto is doing and that we believe will be over a
24 hundred units just on that one project.

25 So I just want to say, on balance, I will be

1 supporting this denial of the appeal of the motion, but
2 I certainly want to (indiscernible) thank Palo Alto for
3 that, and hope other jurisdictions that we look into
4 that has a solution for housing urgently.

5 Thank you.

6 PRESIDENT ARREGUIN: Thank you very much.

7 Any other questions or comments? If not, the
8 motion is to take a preliminary decision to deny the
9 appeal from the City of Palo Alto. I'll ask the clerk
10 to please call the role.

11 CLERK OF THE BOARD: On the motion by Eklund,
12 seconded by Ramos, Mayor Arreguin?

13 PRESIDENT ARREGUIN: Yes.

14 CLERK OF THE BOARD: Mayor Eklund?

15 MAYOR EKLUND: Aye.

16 CLERK OF THE BOARD: Mayor Fligor?

17 MAYOR FLIGOR: Yes.

18 CLERK OF THE BOARD: Mayor Hudson?

19 MAYOR HUDSON: Yes.

20 CLERK OF THE BOARD: Supervisor Lee?

21 SUPERVISOR LEE: Yes.

22 CLERK OF THE BOARD: Supervisor Mandelman?

23 SUPERVISOR MANDELMAN: Yes.

24 CLERK OF THE BOARD: Supervisor Mitchoff?

25 SUPERVISOR MITCHOFF: Yes.

1 CLERK OF THE BOARD: Councilmember Peralez is
2 absent. Supervisor Rabbit is absent.

3 Supervisor Ramos?

4 SUPERVISOR RAMOS: Yes.

5 CLERK OF THE BOARD: Mayor Romero?

6 MAYOR ROMERO: Yes.

7 CLERK OF THE BOARD: Mayor Wilson is absent.

8 Motion passes nine ayes, three absences.

9 Director of planning and development.

10 PRESIDENT ARREGUIN: Okay. Thank you that
11 completes this item. We will proceed to the next order
12 of business, which is the Item 6.f., the regional
13 housing needs allocation appeal from the City of
14 Saratoga.

15 As with our previous appeals, we will begin
16 with the presentation from the appellate jurisdiction
17 who will have five minutes to present their appeal.

18 May I ask who will be presenting on behalf of
19 the City of Saratoga?

20 MS. PEDRO: That will be me. I'm Debbie
21 Pedro, City of Saratoga's community development
22 director.

23 PRESIDENT ARREGUIN: Excellent. And we have
24 the presentation on the screen, and you may proceed at
25 any time.

1 MS. PEDRO: Thank you.

2 First, I want to thank the ABAG administrative
3 committee for hearing Saratoga's appeal request. And
4 I'd also like to thank ABAG staff for their detailed and
5 thoughtful analysis on each of the appeals. It's a
6 daunting task, and I commend you for the efforts.

7 Next slide, please.

8 The City of Saratoga is appealing our draft
9 RHNA allocation on the grounds that ABAG did not
10 adequately consider information submitted in the local
11 jurisdiction survey regarding RHNA factors, including
12 availability of land suitable for urban development,
13 existing and projected jobs and housing relationship,
14 and the region's greenhouse gas emissions reduction
15 targets to be met by Plan Bay Area 2050.

16 In consideration of these factors, we've
17 requested a 50 percent reduction from 1,712 units to 856
18 units.

19 Next slide, please.

20 The Plan Bay Area 2050 environmental impact
21 report acknowledged that building additional housing in
22 high and very high fire hazard zones will significantly
23 intensify the impact of wildland fires. Roughly half of
24 Saratoga is at high or very high risk for wildfires.

25 Last year the CZU August Lightning Complex

1 burned nearly 87,000 acres of land and destroyed 7,000
2 buildings in the Santa Cruz Mountains just outside of
3 Saratoga city limits. I know that Saratoga is one of
4 several jurisdictions that have argued that higher fire
5 risk areas are not suitable for urban development during
6 these appeal hearings.

7 We believe the committee should fully exercise
8 its discretion under Government Code Section
9 65584.04(e)(2)(b) and take a firm position that there
10 are lands in the San Francisco Bay Area that are just
11 unsuitable for further urban development.

12 Next slide, please.

13 As an example, the Southern California
14 Association of Governments, or SCAG, used that
15 discretion and approved a substantial reduction in the
16 RHNA appeal process for the City of Pico Rivera.

17 Next slide, please.

18 Saratoga is a primarily residential community
19 with extremely limited commercial space. The parcels
20 highlighted in blue on this map are the few
21 commercially-zoned properties in the city, our minimal
22 commercial properties to help ensure residents have
23 nearby access to goods services and job opportunities.

24 Saratoga would be forced to further reduce
25 space for commercial offerings and jobs to accommodate

1 the RHNA targets. This would lead to longer commutes
2 and personal trips for current and future residents.

3 Not only does this make it more difficult for
4 residents to access goods, services, and jobs, it also
5 increases vehicle miles traveled, thereby increasing
6 greenhouse gas emissions.

7 Unfortunately, in order to meet the RHNA
8 housing target, the most likely reality is that we won't
9 be able to keep commercial space in Saratoga, and
10 community members will be forced to drive even further
11 for services or to get to work and thereby increasing
12 vehicle miles traveled and greenhouse gas emission and
13 also undermining the emission reduction goals of Plan
14 Bay Area 2050.

15 So for this and other reasons I stated
16 previously, we urge the committee to reduce the City of
17 Saratoga's RHNA allocation from 1,712 units to 856 units
18 because it represents a far more realistic and feasible
19 target.

20 Thank you.

21 PRESIDENT ARREGUIN: Thank you very much.

22 There will be an opportunity to respond to the
23 MTC ABAG staff presentation after they offer their
24 presentation.

25 So I'd now like to ask ABAG MTC staff to

1 present their response to the city of Saratoga's appeal.

2 MR. KAPLAN: Thank you.

3 Next slide, please.

4 The City of Saratoga is requesting a reduction
5 of 856 units which represents a 50 percent from its
6 draft allocation. Staff's recommendation is to deny the
7 appeal.

8 Next slide, please.

9 Saratoga argues the city will have to rezone
10 limited commercial land for housing to accommodate RHNA
11 which will lead to longer commutes and personal trips
12 for current and future residents.

13 Saratoga asserts these outcomes directly
14 conflict with the RHNA objective to reduce greenhouse
15 gasses. This argument challenges the final RHNA
16 methodology that was adopted by the executive board and
17 approved by HCD. In this critique the methodology falls
18 outside of the appeals process.

19 As we've discussed previously, housing element
20 law requires the RHNA methodology to improve the
21 intraregional relationship between jobs and housing and
22 not the jobs/housing balance in any particular
23 jurisdiction.

24 HCD determined that the RHNA methodology
25 achieves the statutory objective as well the requirement

1 to promote efficient development patterns and reduce
2 GHG.

3 Additionally, claims that rezoning of
4 commercial land for housing will lead to a decrease in
5 jobs are not inherently true as commercial land can be
6 zoned for mixed uses that incorporates both housing and
7 jobs.

8 Additionally, the RHNA methodology considers
9 development constraints named in this appeal by
10 incorporating data from the final blueprint as the
11 baseline allocation.

12 While the city asserts it has little urban
13 land available for development, it does not provide
14 evidence it is unable to consider underutilization of
15 sites, increased densities, accessory dwelling units and
16 other planning tools to accommodate its assigned need.

17 Next slide, please.

18 In its appeal Saratoga argues its transit-rich
19 area growth geography in the Plan Bay Area 2050 final
20 blueprint is incorrect and that Saratoga residents need
21 to drive due to limited public transportation options.
22 However, the final blueprint correctly designates a
23 portion of Saratoga as a transit rich and high resource
24 area based on VTA frequency improvements that are
25 featured in Plan Bay Area 2050, and the map on the slide

1 shows the growth geographies with Saratoga.

2 Directing growth to these growth geographies
3 is essential to addressing the priorities required of
4 both Plan Bay Area 2050 and RHNA, which promoting
5 efficient development patterns, reducing GHG and
6 affirmatively furthering fair housing.

7 Next slide, please.

8 Saratoga argues that half of the city is in a
9 wildland/urban interface area with very high and high
10 risk for wildfire which cannot sustain increased housing
11 density. As has been discussed previously, housing law
12 generally does not identify areas at risks from hazards
13 as a constraint to housing, and Saratoga has not
14 provided evidence that its flood management
15 infrastructure is not adequate to avoid the risk of
16 flooding as required by statute.

17 Throughout the region it's essentially
18 impossible to avoid all hazards when siting new
19 development, but in developing its housing element,
20 Saratoga has the opportunity to take hazard risk into
21 consideration with where and how it sites future
22 development.

23 Saratoga has not provided evidence it cannot
24 accommodate its RHNA in locations within the
25 jurisdiction that are subject to lower risk of natural

1 hazards.

2 Next slide, please.

3 Saratoga asserts that Santa Clara Valley Water
4 recently instituted a mandatory reduction in water use
5 and the city cannot accommodate the increased demand for
6 water. The city's arguments do not meet the requirement
7 for a valid RHNA appeal, as the city has not
8 demonstrated that it is precluded from meeting its RHNA
9 allocation because of a decision by its water service
10 provider.

11 There is no indication that the current
12 mandatory water use reduction would extend for the next
13 ten years until the end of the RHNA planning period in
14 2031.

15 Furthermore, future population growth does not
16 necessarily mean a similar increase in water
17 consumption. While the Bay Area's population grew by
18 23 percent between 1986 and 2007 --

19 CLERK OF THE BOARD: One minute.

20 MR. KAPLAN: -- water use increased by less
21 than one percent.

22 Importantly HCD'S comments on the Bay Area
23 RHNA appeals note that ABAG's allocation methodology
24 encourages more efficient land use patterns which are
25 key to adapting to more intense drought cycles and

1 wildfire seasons. Drought poses significant challenges
2 to Bay Area communities, but these issues do not affect
3 one city or county in isolation. Action can be taken to
4 efficiently meet the region's future water demand even
5 in the face of additional periods of drought.

6 Next slide, please.

7 In conclusion, staff recommends that the
8 committee denies the appeal from the City of Saratoga.

9 Thank you.

10 PRESIDENT ARREGUIN: Thank you very much,
11 Mr. Kaplan.

12 I'd like to give the City of Saratoga an
13 opportunity to respond to the staff presentation if you
14 so choose.

15 MS. PEDRO: Thank you.

16 I want to emphasize that Saratoga is committed
17 to provide our fair share of housing in the region.
18 Saratoga has always had a certified housing element, and
19 it has not denied a housing project in at least the last
20 15 years.

21 For this housing element update, we are
22 planning on making changes to the city's zoning to
23 accommodate higher density housing.

24 However, considering that half of the city is
25 in a very high risk -- fire risk area, there is a lack

1 of appropriate locations for 1,700 or more new units,
2 which represents a 389 percent increase in housing
3 allocation. Therefore, we're requesting a 50 percent
4 reduction in our RHNA allocation because it is more
5 realistic and feasible target.

6 Thank you.

7 PRESIDENT ARREGUIN: Okay. Thank you very
8 much.

9 So we'll now take public comment on the appeal
10 from the City of Saratoga. And if you wish to comment
11 on the appeal, we ask that you raise your hand if you're
12 on the Zoom platform, or press *9 if you are phoning in.

13 I see we have three raised hands, Mr. Castro.
14 Mr. Castro, you're muted.

15 CLERK OF THE BOARD: I apologize for that.
16 Our first speaker is Daniel Rhoads. Go ahead.

17 MS. KAUSER: This is Angeli Kauser. Are you
18 calling on me?

19 CLERK OF THE BOARD: Go ahead. Mr. Rhoads has
20 raised his hand again. So go ahead, please, Angeli.

21 MS. KAUSER: Okay. Hi. My name is Angelie
22 Kauser. I would remind you all that the City of
23 Saratoga mostly is entirely developed up with very few
24 large open lots, which means the most realistic strategy
25 to meet our draft RHNA allocation is to replace a

1 handful of commercial lots that provides jobs and
2 day-to-day services with new housing.

3 This makes it more difficult for residents to
4 access jobs and services while also increases vehicle
5 miles traveled and our greenhouse gas emissions.

6 With only five bus lines operating in
7 Saratoga, residents will be forced into their cars,
8 further increasing emissions.

9 Additionally, about half of Saratoga is in the
10 wildland/urban interface area. It would be
11 irresponsible to increase housing density in the
12 hillsides where there is a high risk of fire, but adding
13 more than 1,700 new homes in the other half of Saratoga
14 is financially impractical for developers given the lack
15 of large open lots. This means Saratoga will be
16 penalized under laws like SB 35, leaving us with little
17 control over future land use decisions.

18 Please grant Saratoga's RHNA appeal and
19 provide our committee with reasonable and realistic RHNA
20 allocations.

21 I would like to just add that we do want to do
22 our fair share of housing, but we want to make sure that
23 it is reasonable and we are able to provide realistic
24 numbers to the city.

25 Thank you for listening.

1 CLERK OF THE BOARD: Thank you.

2 Next speaker is Mike Dunham.

3 Go ahead, please.

4 MR. DUNHAM: Good afternoon. (Indiscernible) a
5 lead with Peninsula for Everyone.

6 I think it is pretty obvious you all will deny
7 the appeal as it has very little basis in reality. So I
8 will mostly direct my comments to the folks from
9 Saratoga listening.

10 I found it interesting that you all are
11 talking about how this will basically force commercial
12 development out of your city. I think one response to
13 that was mixed use, as someone pointed out.

14 The other, you don't have to rezone all of
15 your commercial areas, and, instead, you can take the R1
16 areas in your city and upzone them to accommodate this
17 new RHNA demand, and I think you should put that choice
18 in front of your residents to say, hey, do you still
19 want to have a grocery store in our city, or are you
20 okay if we do want to keep the grocery store, with
21 having an apartment building somewhere in your
22 neighborhood, and make that choice really stark.

23 For folks outside the city, folks from the
24 state, I think appeals like this are a good example of
25 why we need very vigorous enforcement of state housing

1 laws. I think you are seeing cities that claim they
2 want to do their fair share and then kick and scream
3 when asked to do so. And so I think it will take a lot
4 of eyes from the state and the HCD to make sure cities
5 like Saratoga that I think are pretty transparently
6 acting in bad faith to make sure they are following the
7 law.

8 So I urge you all to reject this appeal, as I
9 think you will, and I urge Saratoga to take seriously
10 upzoning their existing neighborhoods.

11 And if you don't want to build in the
12 wildland/urban interface, I am going to suggest looking
13 at how to make sure you start demolishing those homes
14 that exist there because they are too dangerous to exist
15 in the WUI. And if you don't have a plan for that, then
16 maybe your objection is not that serious.

17 THE COURT: Thank you.

18 Next speaker is Tina Walia.

19 Go ahead, please.

20 MS. WALIA: Hi. I'm Tina Walia, vice chair --
21 vice mayor of the City of Saratoga. I fully support
22 addressing the housing shortage with responsible
23 regional planning. New homes should be located near
24 jobs, services, and transportation alternatives, and not
25 state-designated hazard zones.

1 I believe it is impossible for a region-wide
2 methodology to cover circumstances unique to individual
3 jurisdictions. Saratoga has a unique situation with
4 half of the city in the wildland/urban interface area,
5 and we have very limited commercial land.

6 I volunteered more than ten years ago to help
7 Saratoga with its climate action goals, and I'm very
8 disheartened to learn this next housing element update
9 will result in a significant increase of carbon dioxide
10 in our community due to the increase in vehicle miles
11 traveled. This has been the threat of climate change
12 staring us in the face.

13 I urge the board to ensure the RHNA
14 distribution is more equitable, recognizing our unique
15 circumstance.

16 Thank you for your consideration.

17 PRESIDENT ARREGUIN: Thank you.

18 CLERK OF THE BOARD: Thank you.

19 Next speaker is Aaron Eckhouse.

20 Go ahead, please.

21 MR. ECKHOUSE: Aaron Eckhouse, Northern
22 California YIMBY. I would like to echo Mike Dunham's
23 point that, if Saratoga doesn't want to rezone their
24 limited commercial land, mixed-use development could be
25 great there, but if they don't think that's a good

1 solution for them, 99 percent of the city is currently
2 zoned for only single houses. That might be an
3 alternative they could look at. It is absolutely
4 possible to replace an existing house with multiple new
5 homes.

6 And I will also note, Saratoga is another city
7 where only all of these housing affordable to low and
8 very low income residents built in the past RHNA cycle
9 came in the form of accessory dwelling units. So it
10 directly came as a result of the state overriding local
11 land use restrictions there. I think that's, you know,
12 that's something maybe the city should, in fact,
13 welcome, and you don't have to have these difficult
14 conversations with your constituents.

15 CLERK OF THE BOARD: Thank you.

16 Next speaker is Yan Zhao.

17 Go ahead, please.

18 MAYOR ZHAO: Hi. I'm Yan Zhao, mayor of
19 Saratoga. Thank you for allowing me to speak.

20 Our appeal is based on the grounds that the
21 draft allocation for Saratoga is at odds with ABAG'S
22 RHNA methodology.

23 Planning for more than 1,700 new homes in
24 Saratoga would result in the near elimination of
25 commercial areas in Saratoga. With almost no public

1 transportation in Saratoga, this problem is compounded.

2 Additionally, we'll be forced to either add
3 housing in high fire risk areas or concentrated in the
4 other half of the city where significant housing
5 development is unlikely given the financial realities of
6 residential construction.

7 Our impossible RHNA allocation means we will
8 always be subject to penalties. Please consider
9 granting our appeal for providing a realistic,
10 common-sense allocation in line with ABAG methodology
11 goals.

12 Thank you.

13 CLERK OF THE BOARD: Thank you.

14 Our next speaker is our sixth speaker, so you
15 have one minute.

16 Daniel Rhoads, go ahead, please.

17 MR. RHOADS: This ABAG organization is
18 basically not needed anymore. And what I would state,
19 though, that if it's possible in the ABAG to put a
20 footnote that says any new job creating, like the next
21 Google, like the next Apple, that housing be addressed
22 at the same time because that's why we're in this
23 problem. We have more jobs than we have people, and it
24 just got out of control. I agree we are out of balance.
25 And that's why the prices are being driven up, because

1 of speculators and people getting rich off of investing
2 in housing and not affordable housing.

3 So I would like to know if that could be done
4 by the ABAG to put a footnote for the future, or is that
5 something I have to take up with the state?

6 Thank you.

7 CLERK OF THE BOARD: Thank you. There are no
8 speakers at 375 Beale and no written comments -- I'm
9 sorry. There were written comments past the public
10 comment period that were posted on the agenda online and
11 emailed to members.

12 Thank you.

13 PRESIDENT ARREGUIN: Mr. Castro, there's one
14 more raised hand. Jordan Grimes.

15 Jordan, you should be able to speak.

16 MR. GRIMES: Yes. Good afternoon once again.

17 I just wanted to very quickly push back on the
18 claim -- we heard it twice now -- this claim that
19 meeting the RHNA allocation would somehow worsen the
20 climate crisis and increase vehicle miles traveled.

21 In fact, it's quite the opposite. All the
22 people working in Saratoga, of which there are
23 thousands, the gardeners, the grocery store workers,
24 teachers, service industry workers, et cetera, all of
25 them have to commute in from further and further away

1 given the severe level of housing unaffordability.

2 Saratoga and these hyper-affluent cities like
3 it, as they exist right now are huge contributors to the
4 climate crisis because in order for workers to get
5 there, they have to commute in.

6 So, in fact, this methodology and these RHNA
7 numbers, if anything, are contributing positively,
8 helping reduce vehicle miles traveled, not the opposite.

9 Thank you.

10 CLERK OF THE BOARD: Thank you.

11 PRESIDENT ARREGUIN: I don't see any
12 additional raised hands. Mr. Castro, any comments at
13 375 Beale?

14 CLERK OF THE BOARD: There were no public
15 comments at 375 Beale.

16 PRESIDENT ARREGUIN: Okay. So that completes
17 public comment on this appeal. It's now in order for
18 the committee to discuss and take preliminary action on
19 the appeal.

20 First committee member I'll recognize is Mayor
21 Eklund.

22 MAYOR EKLUND: Thank you very much, President
23 Arreguin.

24 I have a question to ask staff. We've talked
25 about this before, but I never heard what the rationale

1 was for treating cities differently than counties
2 relative to the fire risk. As been noted, counties had
3 very high and high fire risk considered where cities
4 only had very high.

5 Can staff please help me to understand why
6 there was a difference, because the lands are the lands.
7 They're the same. And where they're located shouldn't,
8 in my opinion, not have a factor, but I'd like to
9 understand what staff's thinking was at the time.

10 MR. VAUTIN: I think there's a couple of
11 points to make here, but it's an excellent question.

12 I think, first of all, it's not just the MTC
13 ABAG action on Plan Bay Area 2050 that defined the
14 difference in the growth geographies, but Cal Fire
15 itself.

16 So Cal Fire mapping historically has focused
17 on very high and high outside of cities and the very
18 high areas inside cities.

19 In recent months we've seen some draft layers
20 on those more detailed high and moderate within city
21 limits, and we know that Cal Fire is planning to update
22 its maps in the months ahead, so there will be more data
23 on this front.

24 But secondarily, from, like, a public policy
25 perspective, you know, our plan has a city-oriented

1 growth pattern, trying to direct growth inside urban
2 growth boundaries and minimize growth outside them. And
3 the recognition of kind of the difference there is
4 really about trying to encourage more growth in our
5 cities and towns and recognize we may want to take, you
6 know, a stronger level of protection in unincorporated
7 areas that are in the WUI, for example.

8 MAYOR EKLUND: Okay. I think we really need
9 to have a discussion on this for the future. I would
10 like to add this issue on the list, not only discussion
11 about treating cities differently than counties, but in
12 terms of fire risk, or flooding, or any of the other
13 natural hazards, and whether that's appropriate or not.

14 And then the types of mapping, because Cal
15 Fire, as I understand it, doesn't necessarily do all the
16 mapping in certain counties in the state, and so I think
17 we need to have a really clear understanding of who does
18 what mapping and which mapping we should be factoring
19 into this discussion.

20 So with that, I wanted to state that I'm very
21 sympathetic to the Town of Saratoga. I spend a lot of
22 time in Saratoga, and really appreciate the quality of
23 life that they have. Unfortunately, I will be
24 supporting the staff recommendation to deny the appeal,
25 in which case, I would like to move that action.

1 PRESIDENT ARREGUIN: Okay. There is a motion
2 to take preliminary action to deny the appeal. Is there
3 a second?

4 MAYOR ROMERO: Seconded.

5 PRESIDENT ARREGUIN: Seconded by Mayor Romero.
6 Thank you very much.

7 Mayor Hudson.

8 MAYOR HUDSON: Yeah, I would strongly suggest
9 in the next two appeals that we have from Santa Clara
10 County that you don't use vehicle miles traveled as part
11 of your argument. I'll give you an example.

12 If the 856 units come out of Saratoga, they
13 are going to go somewhere else. They're not going to go
14 away. Some may even go back into other cities in Santa
15 Clara County. But even if they did -- if they all came
16 to my city of San Ramon, those 856 homes are going to be
17 the same people that would be commuting back to Santa
18 Clara County or San Francisco or other business parks.

19 I mean, I had a hard time not fighting other
20 parts of my city because they'd have to commute two or
21 three miles and absolutely had no problem putting 4,500
22 homes in the business park where transit provided for
23 everyone that lives or works within Bishop Ranch
24 throughout the entire line, not just in San Ramon.

25 This is where you have to start thinking to

1 go, to be part of your transit agency and get services,
2 even if it's provided from those developers, but you
3 can't use vehicle miles traveled.

4 Our original plan showed that from 2015 to
5 2050, we are going to have a 44 percent increase in jobs
6 in Santa Clara County alone. You can't hide from that.
7 You're behind now, and you're going to be further behind
8 going forward when you're asking to reduce housing.
9 Just deal with that for a while before the next two
10 appeals come in. There's no basis to do anything but
11 deny this appeal.

12 PRESIDENT ARREGUIN: Mayor Fligor.

13 MAYOR FLIGOR: Thank you. And let me thank
14 Saratoga, the applicants and Mayor Zhao and Vice Mayor
15 Walia for presenting and sharing their concerns with
16 regards to their RHNA allocation.

17 I just wanted to make one point and then also
18 have staff answer a question I asked earlier, because I
19 recognize there are members of the public who joined us
20 after the break.

21 The first comment -- and it's a good segue
22 from what Mayor Hudson was referring to, where as part
23 of developing the methodology for the RHNA allocation,
24 we considered many factors, and greenhouse gas emissions
25 was just one of the many factors we considered in

1 developing the methodology. There were certain goals we
2 were required to meet statutorily. So putting all those
3 together, that's how we developed the methodology.

4 So I understand and I sympathize with the
5 concerns related to GHG emissions, we factored that in,
6 but there were other areas we needed to consider.

7 The question for staff -- and, again, Gillian,
8 I think this is for you. It's just responding to the
9 comments related to the high risk fire zones in Saratoga
10 and other cities that I know have raised it in Santa
11 Clara County and the limitations of this committee in
12 considering that as part of this appeal process.

13 Thank you, and that's it, Chair.

14 MS. ADAMS: Sure. I'm happy to answer that
15 question again. And I will say that the question of
16 hazards and how they should be dealt with in the RHNA
17 methodology was also something that was considered at
18 length by the housing methodology committee.

19 Now that we are here in the appeals process,
20 although I think there is a complete understanding that
21 these hazards are concerns for everyone in the region,
22 within the RHNA appeals statutes they are not considered
23 to be a constraint to housing, especially related to
24 fire hazard areas, which is what the city brought up.
25 So that's where we stand right now.

1 PRESIDENT ARREGUIN: Okay. Thank you very
2 much.

3 Any further or comments from members of the
4 committee? If not, the motion is to take a preliminary
5 action to deny the appeal, and I'll ask the clerk to
6 please call the roll.

7 CLERK OF THE BOARD: Yes. The motion was by
8 Eklund, second by Romero.

9 Mayor Arreguin?

10 PRESIDENT ARREGUIN: Yes.

11 CLERK OF THE BOARD: Mayor Eklund?

12 MAYOR EKLUND: Aye.

13 CLERK OF THE BOARD: Mayor Fligor?

14 MAYOR FLIGOR: Yes.

15 CLERK OF THE BOARD: Mayor Hudson?

16 MAYOR HUDSON: Yes.

17 CLERK OF THE BOARD: Supervisor Lee?

18 SUPERVISOR LEE: Yes.

19 CLERK OF THE BOARD: Supervisor Mandelman?

20 SUPERVISOR MANDELMAN: Yes.

21 CLERK OF THE BOARD: Supervisor Mitchoff?

22 SUPERVISOR MITCHOFF: Yes.

23 CLERK OF THE BOARD: Councilmember Peralez is
24 absent. Supervisor Rabbit is absent.

25 Supervisor Ramos?

1 SUPERVISOR RAMOS: Yes.

2 CLERK OF THE BOARD: Mayor Romero?

3 MAYOR ROMERO: Yes.

4 CLERK OF THE BOARD: Mayor Wilson is absent.

5 Motion passes nine ayes, three absences.

6 PRESIDENT ARREGUIN: Thank you very much.

7 That completes this item.

8 We'll go our last appeal that we're
9 considering today, which is from the County of Santa
10 Clara.

11 And, Supervisor Lee, I believe, you know,
12 consistent with our procedures, you will need to recuse
13 yourself from consideration of this appeal.

14 SUPERVISOR LEE: Yes, I'll recuse myself and
15 turn off the camera. And good luck.

16 PRESIDENT ARREGUIN: Have a good afternoon.

17 So, Counsel, does the member who's recused
18 themselves, do they need to go off the Zoom?

19 MS. KANE: No, they don't need to -- it's sort
20 of the same thing as exiting the room if they just turn
21 off their camera and audio and not participate in the
22 communication.

23 PRESIDENT ARREGUIN: Thank you very much.

24 We'll now proceed to Item 6.g. This is the regional
25 housing needs allocation appeal for the County of Santa

1 Clara. And this is a preliminary action item.

2 We'll first hear from Santa Clara County who
3 will have five minutes to present their appeal.

4 And may I ask who will be presenting on behalf
5 Santa Clara County?

6 MS. ONCIANO: Hello. My name is Jacqueline
7 Onciano, and I'm the director of planning and
8 development, and I will be speaking on behalf of the
9 County of Santa Clara.

10 PRESIDENT ARREGUIN: Thank you.

11 MS. ONCIANO: Good afternoon, and thank you
12 for the opportunity to come before you and present our
13 appeal of the sixth cycle of the RHNA allocation for
14 Santa Clara County.

15 We would like to start by acknowledging that
16 the housing crisis in the Bay Area is of utmost concern
17 for our county leadership, and we recognize the
18 difficult challenge that ABAG has faced in assigning the
19 134 percent increase in housing allocation this cycle.

20 Feeling the impacts of the need for housing,
21 our board of supervisors and county administration has
22 been in the forefront of facilitating the production of
23 housing options within Santa Clara County to address the
24 pressing demands. However, this cycle represents an
25 over thousand percent increase in our allocation, which

1 has put the county in a difficult position.

2 In this presentation we will explain why the
3 allocation leaves the county with choices that would be
4 contrary to the state's policy to speed up housing
5 production and preserve natural resources.

6 Next slide, please.

7 The county's 1995 general plan ushered in a
8 very progressive policy framework that has skewed urban
9 sprawl and promoted compact development. Because of
10 this, the county has been successful in preserving the
11 urban and rural divide within the county and has
12 facilitated the preservation of vital open space and
13 agricultural lands that contribute to creating a
14 sustainable, resilient and desirable region to live and
15 work.

16 Next slide, please.

17 To ensure that cities did not continue
18 spreading outwards, thereby consuming farm and natural
19 lands, the county identified urbanized unincorporated
20 areas as urban service areas, and has worked with
21 jurisdictions for over 25 years to ensure that the
22 respective cities took responsibility for these urban
23 service areas to plan for their future and provide the
24 needed services.

25 The policies listed in the slide provide the

1 linchpin that have been in place and have been
2 effective.

3 Next slide, please.

4 Under these policies, cities have planned for
5 and developed over 10,000 new housing accounts,
6 including several housing projects such as the Hauser
7 Court Apartments, Ohlone Court Apartments, and Codera
8 Village.

9 Furthermore, because of these policies, cities
10 have utilized parcels within these unincorporated USAs
11 for the last two RHNA cycles to meet their housing
12 element site inventory. The county hasn't claimed these
13 sites for its housing element within these USAs, as it
14 has firmly believed it to be the responsibility of the
15 cities to plan, develop, and eventually annex these
16 lands consistent with the long-standing policies of the
17 county and cities.

18 Next slide, please.

19 With the allocation of 3,125 units for the
20 next housing cycle, the county is faced with two
21 unattainable choices.

22 The first choice is to find sites with the
23 USAs. The choice will result in dismantling successful
24 policies, then trying to find viable and suitable
25 parcels that haven't already been spoken for by cities

1 within the last two RHNA cycles. Both of these tasks
2 will require a lot of negotiations with multiple
3 jurisdictions to ensure that there are no conflicting
4 claims.

5 The process will delay any potential housing
6 projects in the USAs and could essentially result in new
7 policies that do not change what is already an
8 established and fairly successful process to develop
9 housing projects within unincorporated urban county
10 pockets --

11 CLERK OF THE BOARD: One minute.

12 MS. ONCIANO: -- just so the county can
13 achieve a RHNA number.

14 The second choice is to look for sites in the
15 Coyote Valley or San Martin areas in the rural parts of
16 the county which are not in high opportunity areas.
17 These are areas either covered in prime soils,
18 agricultural soils, and are, in part, identified or
19 contain sensitive habitats.

20 Additionally, almost none of these areas are
21 identified as high opportunity areas, which would mean
22 that they would not be ideal for housing projects. In
23 addition, development of these areas would undo 25 years
24 of preservation of urban sprawl in the county.

25 Next slide.

1 We are looking to reduce our allocation by
2 2,000 units. It is not because the county does not want
3 to partner in finding solutions to resolve the
4 regions's -- in fact, the county passed Measure A to
5 finance the development of affordable housing units
6 throughout the county, particularly within the cities
7 where they are needed.

8 And I know I am out of time, so, in
9 conclusion, we would like to acknowledge the various
10 letters and supports that we have received. Also, we
11 have received one non-support letter that we would like
12 to acknowledge as well.

13 And we would request that the committee
14 consider our appeal of a reduction of 2,000 units, as it
15 would ensure that the county keeps working on providing
16 more housing projects within the cities throughout the
17 Office of Supportive Housing and not engage in revising
18 its land use policies that would result in --

19 CLERK OF THE BOARD: Time, please.

20 (Simultaneous colloquy.)

21 MS. ONCIANO: -- of units over the existing
22 policy framework.

23 Thank you, and I will await opportunity for
24 rebuttal. Thank you so much. You're on mute. We can't
25 hear you.

1 PRESIDENT ARREGUIN: You think after how many
2 years of doing this that I would unmute myself.

3 Thank you. Thank you for your presentation,
4 and you'll have an opportunity to respond to staff
5 presentation after --

6 MAYOR HUDSON: Great speech, Jesse. Whatever
7 you did on mute, it was great.

8 PRESIDENT ARREGUIN: So I'd now like to ask
9 ABAG MTC staff to present its response to Santa Clara
10 County's appeal.

11 MS. ADAMS: Thank you.

12 Next slide, please.

13 So the County of Santa Clara is requesting a
14 reduction of 2,000 units, a reduction of 64 percent from
15 its draft allocation, and staff's recommendation is to
16 deny the appeal.

17 Next slide, please.

18 The county argues that ABAG failed to
19 adequately consider information about the availability
20 of land suitable for urban development, lands protected
21 from urban development to protect open space, farm land,
22 and environmental habitats, and agreements between the
23 county and cities to direct growth towards the
24 incorporated areas of the county.

25 The county's draft allocation from ABAG is

1 consistent with housing element law that assigns RHNA
2 responsibility to the jurisdictional land use authority.

3 In its appeal the county indicates that it
4 allows cities and towns in Santa Clara County to use
5 sites located in the unincorporated county in the
6 housing element site inventories, which is different
7 than the standard practice and statute.

8 The expectation that an unincorporated county
9 will plan for housing in an area until it is annexed is
10 the rationale for the provisions in housing element law
11 that allow a county to transfer responsibility for RHNA
12 units to a city or town when an area is annexed.

13 Housing element law also recognizes some of
14 the specific challenges that unincorporated areas face
15 by including a provision available only to counties that
16 allows for a transfer of RHNA units from the county to a
17 city or town.

18 The final RHNA methodology considers the other
19 development constraints identified in the county's
20 appeal by using the Plan Bay Area 2050 final blueprint
21 as the baseline allocation.

22 The final blueprint uses Santa Clara County's
23 urban service areas as de facto urban growth boundaries
24 to constrain growth to protect open space, farmland, and
25 environmental habitats.

1 As we mentioned previously, housing element
2 laws states that ABAG may not limit its consideration of
3 suitable housing sites to a jurisdiction's existing
4 zoning and land use restrictions, and jurisdictions must
5 consider underutilized land, opportunities for infield
6 development, and increased residential densities as a
7 component of available land for housing.

8 Importantly, RHNA is not just a reflection of
9 projected future growth, as statute also requires RHNA
10 to address the existing need for housing that results in
11 overcrowding and housing cost burden throughout the
12 region.

13 The final RHNA methodology accomplishes this
14 by using total households in 2050 as the baseline
15 allocation, because it incorporates both existing
16 households and the forecasted growth and households from
17 the final blueprint.

18 Part of the reason the county's draft
19 allocation is larger than other jurisdictions in Santa
20 Clara County is because the county has the sixth highest
21 number of existing households in the county, around
22 26,300.

23 Housing element law requires the RHNA
24 allocation to affirmatively further fair housing, which
25 means overcoming patterns of segregation and addressing

1 disparities and access to opportunity.

2 Incorporating existing housing patterns into
3 the RHNA methodology ensures that the allocations
4 further this objective in all communities, not just
5 those expected to experience significant growth.

6 The county does not provide evidence that it
7 is unable to consider the underutilization of existing
8 sites, increased densities, accessory dwelling units and
9 other planning tools to accommodate its RHNA.

10 Next slide, please.

11 The county argues that the RHNA methodology
12 does not further the RHNA objective to promote infield
13 development and socioeconomic equity, protect
14 environmental and agricultural resources, encourage
15 efficient development patterns and achieve greenhouse
16 gas reduction targets.

17 The county's arguments challenge the final
18 RHNA methodology adopted by ABAG and approved by HCD,
19 which falls outside the scope of the appeals process.

20 As we've noted previously, HCD has authority
21 to determine if the RHNA methodology furthers the
22 statutory objectives, and HCD found that ABAG's
23 methodology does further the objectives.

24 In its appeal, the county states that it used
25 the housing element selection site tool -- site

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1 selection tool developed by ABAG to evaluate the sites
2 for accommodating its RHNA. As we've noted previously,
3 the HES tool plays no role in determining RHNA.

4 Next slide, please.

5 CLERK OF THE BOARD: One minute.

6 MS. ADAMS: Thus ABAG MTC staff recommends
7 that the committee deny the appeal filed by the County
8 of Santa Clara.

9 And in closing, I just would like to reiterate
10 what we said in our written response, which is that ABAG
11 MTC staff is ready to support the county in pursuing
12 RHNA transfers with cities and towns, if it chooses to
13 do so, and will do everything that we can to expedite
14 the process.

15 Thank you.

16 PRESIDENT ARREGUIN: Thank you, Ms. Adams.

17 Okay. So now I would like to give the County
18 of Santa Clara an opportunity to respond to the staff
19 presentation.

20 MS. ONCIANO: If I may, we would look forward
21 to working with ABAG staff.

22 PRESIDENT ARREGUIN: We're good.

23 MS. PEDRO: Can you hear me? Yes. Thank you.

24 PRESIDENT ARREGUIN: Yes.

25 MS. ONCIANO: Mayor Hudson, I did not speak to

1 VMTs or anything of climate. So thank you so much for
2 an opportunity to present before you.

3 PRESIDENT ARREGUIN: Thank you very much.

4 Okay. So we will now proceed to public
5 comment on the RHNA appeal for the County of Santa
6 Clara. If any member of the public would like to speak
7 on this item, please raise your hand at this time if you
8 are on the Zoom platform, or press *9 if you are phoning
9 in.

10 Mr. Castro, I see we have a few raised hands.

11 CLERK OF THE BOARD: Yes. First speaker is
12 Mark Langraf.

13 Go ahead, please.

14 MR. LANGRAF: Thank you. Good afternoon,
15 committee members. Mark Langraf, Santa Clara Valley
16 Open Space Authority.

17 We strongly support the Santa Clara County
18 appeal to reduce its allocation by 2,000 units. And
19 this appeal is different. It's extremely different.

20 The county general plan, as Director Onciano
21 was pointing out, states that land use planning for
22 urbanized parts of unincorporated county are conducted
23 by the cities, and the rural unincorporated areas of the
24 county are simply inappropriate for allocations of
25 housing, primarily for two reasons.

1 First, the county hasn't -- doesn't have the
2 urban services to support housing in the rural areas, so
3 the allocations are unlikely to result in housing
4 actually being built there.

5 Secondly, it's counter to ABAG's own stated
6 climate goals -- I am going to mention climate, I
7 guess -- in Plan Bay Area and through established
8 priority conservation areas, that natural infrastructure
9 being actively preserved to build climate resilience for
10 surrounding communities be considered for conversion to
11 other uses.

12 Underscoring the different nature of this
13 particular appeal, I refer to the comment letter you
14 received in August from SV@Home supporting Santa Clara
15 County's appeal which references RHNA's statutory
16 objectives of promoting infield development,
17 socioeconomic equity, protection of environmental and
18 agricultural resources, and achieving greenhouse gas
19 reduction targets.

20 I want to be clear. We're in full support of
21 urban housing allocations statewide to address the
22 housing crisis, which is so drastically harming our
23 communities, and we support proposed allocations in
24 urban Santa Clara County. But it's imperative that we
25 halt the outdated practice of trading off climate

1 sustainability for housing. They both must be actively
2 addressed in tandem, and we can't wait another eight
3 years to change this destructive practice.

4 We urge you to approve Santa Clara County's
5 appeal to reduce its allocation by 2,000 units and
6 distribute them to incorporated cities in the county.

7 Thank you very much for the ability to
8 comment.

9 PRESIDENT ARREGUIN: Thank you.

10 CLERK OF THE BOARD: Next speaker is Brian
11 Schmidt.

12 Go ahead, please.

13 MR. SCHMIDT: Good afternoon, Brian Schmidt
14 here, legislative advocacy director for Green Foothills
15 and Open Space Protection Organization supporting Santa
16 Clara County's appeal.

17 This appeal is not a NIMBY issue. It's not
18 about single-family neighborhoods and the supposed
19 protection of those neighborhoods. But, instead, it's
20 about stopping something that would work to push
21 residential sprawl on undeveloped open space.

22 So earlier this morning President Arreguin
23 very helpfully stated that this committee, or maybe even
24 individual committee members, can develop a list of
25 action items for future discussion, and I'm assuming

1 that's possibly part of the next RHNA cycle. I think
2 that is some of the most important work this committee
3 can do today. It seems that we need to differentiate
4 between underutilized lands and open space.

5 Mayor Eklund earlier today pointed out the
6 lack of transparency in the urban SIMS model. I would
7 respectfully suggest an action item that considers the
8 issue of differentiating between underutilized land and
9 open space in the next RHNA cycle.

10 A second action item I would like to suggest
11 is that the next RHNA cycle consider how it might be
12 able to consider natural hazards looking at other legal
13 authorities for ABAG planning, and not just what sounds
14 to me like an oversimplified and, frankly, unsafe
15 reliance on the statement that the housing element law
16 does not support -- does not happen to mention hazards
17 as a constraint.

18 I would point out staff has already done this
19 with Plan Bay Area on fire hazards, so it seems like
20 other hazards could also be incorporated in that way, or
21 look for another way. We have several years. Maybe
22 it's time this for ABAG to get to work to get the law
23 changed.

24 To summarize, 400 of the comments that were
25 submitted today were in support of Santa Clara County's

1 appeal. We hope you support that appeal. Lacking that,
2 there are certain action items that could definitely
3 improve how this is done in the future.

4 Thank you.

5 PRESIDENT ARREGUIN: Thank you very much.

6 I'll ask, are there any other attendees that
7 wish to speak on the County of Santa Clara's appeal? If
8 so, please raise your hand. Last call for public
9 comment. I see we have one more speaker.

10 CLERK OF THE BOARD: Yes.

11 Christy Corley, go ahead, please.

12 MS. CORLEY: Yes, I've said this before, but
13 thank you for taking my comment today, and thank you for
14 sitting through hours of these appeals and listening to
15 cities and the public. We appreciate it, and we hope
16 our voices are heard.

17 In the future, I'm hoping that the Cal map,
18 the Cal maps be ready by the time the cities have to do
19 the appeals. Otherwise, how does each city know that
20 they have high, very high, and high fire risk areas.

21 We are in the process of doing our housing
22 element. I also attended that meeting the other night.
23 We need this information to select the lands to build
24 on. So it seems if Plan Bay Area '50 is able to look at
25 the layering of the Cal Fire maps -- I'm not sure where

1 to get that as a resident, and I'm not sure if the
2 cities also have access to that layering map that he was
3 referring to.

4 So, please, please, Cal Fire, get out your
5 maps and help the cities make good decisions, as we're
6 in the middle of the housing element now.

7 It's my understanding, as of next June, that
8 these -- anything with an application -- and maybe I'm
9 wrong, but you can correct me -- or anything in the
10 works could be counted towards their allocation. That's
11 next June.

12 So we have applications coming in now, and we
13 need the decisions based on the Cal Fire high hazarded
14 maps.

15 Thank you so much.

16 PRESIDENT ARREGUIN: Thank you.

17 I don't see any additional raised hands from
18 attendees. Are there any speakers at 375 Beale?

19 CLERK OF THE BOARD: There are no public
20 members at 375 Beale. And there were written comments
21 submitted post the public comment period that was posted
22 online and sent to committee members. Thank you.

23 PRESIDENT ARREGUIN: Okay. Thank you very
24 much. It's now in order for the committee to discuss
25 and take preliminary action on the appeal.

1 I would like to recognize Mayor Eklund to
2 start the discussion.

3 MAYOR EKLUND: Thank you very much, President
4 Arreguin. I have a question for staff and some
5 comments.

6 The question directed to staff is how did we
7 account for open space and agricultural lands and even
8 conservation areas that are actually designated by the
9 jurisdiction, whether it's a county or a city?

10 So did we factor in those areas as potentially
11 developable?

12 MR. VAUTIN: I'm happy to take this question.

13 All of these open space areas, priority
14 conservation areas, parks, these were all protected from
15 development. There's no development on them in Plan Bay
16 Area 2050. All of the development occurring in Santa
17 Clara County in Plan Bay Area 2050 is occurring in the
18 urban islands and other areas within the county's urban
19 service areas. So that's where the growth is focused in
20 the long-range plan, but it's important --

21 MAYOR EKLUND: Go ahead.

22 MR. VAUTIN: Let me just finish.

23 It's important to remember the baseline is the
24 2050 total households. So while there is limited growth
25 in terms of new households, and it's focused in these

1 locations, there are also a lot of existing households
2 in Santa Clara County, and they play a role in the RHNA
3 baseline as well.

4 MAYOR EKLUND: You didn't mention agricultural
5 lands. Could you address that?

6 MR. VAUTIN: Well, given that almost all those
7 are, again, outside urban service areas, outside urban
8 growth boundaries, the strategy in Plan Bay Area 2050
9 protects those as well.

10 MAYOR EKLUND: What about the RHNA? When we
11 did the RHNA allocation, were those lands considered?

12 MR. VAUTIN: Well, the RHNA allocation relies
13 on that baseline data from Plan Bay Area 2050, so it
14 does factor in there.

15 You know, the county -- you know, the
16 allocation that we encourage the county to look at these
17 sites that are within their, you know, urban service
18 areas, those are in great locations.

19 You know, again, we were able to accommodate
20 the future growth for Santa County by focusing it
21 entirely within their existing boundaries, not having to
22 go into those agricultural lands.

23 MAYOR EKLUND: Because I personally believe,
24 you know, a long time ago, I guess, counties and cities
25 were set up. Cities were intended to be where the

1 development is going to occur. Counties were typically,
2 you know, sort of protected from development.

3 Some counties like Marin decided we wanted to
4 preserve the western part of the county, and the county
5 decided, along with the community, that more urban
6 development was appropriate along the 101 corridor
7 regardless of whether it was within the unincorporated
8 or incorporated area. So it was a little bit different
9 treatment in Marin than in some of the other counties.

10 I totally support the concept of not allowing
11 growth on open spaces or ag lands, because if we did,
12 then, you know, some kids may be growing up without a
13 knowledge of what ag lands is, or open space, parks, or
14 whatever. So I totally support that.

15 I did want to mention that -- someone said
16 that this list that we're developing was to be used in
17 the future RHNA cycles. That's not my interest for
18 trying to make sure that this list is accurate. I think
19 that this list that we're putting together needs to have
20 discussion now for future Plan Bay Area, maybe
21 implementation of the current Plan Bay Area, maybe
22 potential legislation to change the RHNA process for
23 future years, and then, obviously, in consideration of
24 future RHNA allocations.

25 So, to me, it's a little bit more broader,

1 because this is the first time I, as a member of the
2 RHNA committee -- and this is, I think, my third since
3 being elected, so I only missed one cycle where I was
4 not involved.

5 And this is the first time we've dove down to
6 this level of detail, and I really want to compliment
7 President Arreguin for setting up this process that
8 allows us to do that and for staff's efforts in allowing
9 us to get down into the nitty gritty and into the
10 details, because that's what matters. I think that the
11 more that we learn about all of this the better.

12 But, nevertheless, I am going to support
13 staff's recommendation to deny the appeal, and I will
14 move the motion to deny the appeal for Santa Clara
15 County.

16 PRESIDENT ARREGUIN: Preliminary action.

17 MAYOR EKLUND: Sorry. Preliminary action.

18 PRESIDENT ARREGUIN: I'll second the motion.

19 Okay. Mayor Hudson.

20 MAYOR HUDSON: I guess I have to apologize to
21 Jacqueline. It's been a long day, and I let the
22 previous appeals bleed in about VMT.

23 While I'm at it, I want to thank you for not
24 bringing up fire hazard on the anniversary of the
25 Oakland fire, which, by the way, has rebuilt about 3,000

1 homes; if not, I'm close.

2 Some odd things that I heard in the day and I
3 want to address them here. It's -- well, somehow that
4 the PCAs and we shouldn't be building on open space
5 and -- you know, in theory that was wonderful. I just
6 heard that East Bay Regional Park District sold acreage
7 that was given to them in a will to a developer to build
8 housing on my border.

9 Now, it's kind of hard to argue about that
10 when I've got a business park with 10-, 11,000,000
11 square feet of commercial there.

12 BART turned down money that Scott Haggerty
13 went after in an instant. They were going to use it for
14 housing because he was looking for parking. Simply
15 having them zoned that way and planned that way doesn't
16 mean it's going to go that way.

17 I have to take on something that was also said
18 by the county, that they've had 10,000 homes permitted
19 since 1995. The county has permitted 11,000 homes in
20 San Ramon since 1997, and we're going to annex them,
21 plus the housing that we build that will service the
22 jobs that are in our city. It's the right thing to do,
23 and we did it.

24 What really has me concerned, if we actually
25 denied this appeal after all the homes that we turned

1 away from Santa Clara County and took in the other
2 counties, and then I'm at an air district meeting a week
3 ago where I'm hearing that Santa Clara County wants to
4 close Reid Hillview. January of 2022 was the date they
5 gave. And when I said, how many houses are you going to
6 put there, it was dead silence.

7 Santa Clara, the county as a whole, all the
8 cities, all the things that you're hearing today, needs
9 to acknowledge that if the housing doesn't happen there
10 for the jobs they've already put there, the rest of us
11 are going to get those jobs.

12 It's already spreading out of the Bay Area. I
13 am not making this up. River Island, Tracy Hills is
14 your residents living out there, and we have to stop it
15 right now. If we kick it down the can -- or kick the
16 can down the road, as we are actually doing in six, the
17 next people that are sitting in these squares, six,
18 seven, eight years from now are going to be wondering
19 what the heck did you do.

20 I can't do anything but vote to deny this
21 appeal.

22 PRESIDENT ARREGUIN: Okay. Thank you very
23 much. Colleagues, any other questions or comments on
24 the motion?

25 Okay. I just want to reiterate what staff had

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1 said at the conclusion of their presentation, that there
2 is a provision in the Government Code that does allow
3 transfers of units to incorporated jurisdictions. I
4 understand that some conversations may already be
5 occurring to that effect.

6 So that could be a mechanism to shift some of
7 the units out of unincorporated areas particularly areas
8 where the county thinks are inappropriate for
9 development.

10 But unless there's any further questions or
11 comments, I will ask the clerk to please call the roll.

12 CLERK OF THE BOARD: The motion was by Eklund,
13 second by Arreguin.

14 Mayor Arreguin?

15 PRESIDENT ARREGUIN: Yes.

16 CLERK OF THE BOARD: Mayor Eklund?

17 MAYOR EKLUND: Aye.

18 CLERK OF THE BOARD: Mayor Fligor?

19 MAYOR FLIGOR: Yes.

20 CLERK OF THE BOARD: Mayor Hudson?

21 MAYOR HUDSON: Yes.

22 CLERK OF THE BOARD: Supervisor Lee has
23 recused himself.

24 Supervisor Mandelman?

25 SUPERVISOR MANDELMAN: Yes.

1 CLERK OF THE BOARD: Supervisor Mitchoff?

2 SUPERVISOR MITCHOFF: Yes.

3 CLERK OF THE BOARD: Councilmember Peralez is
4 absent. Supervisor Rabbit is absent.

5 Supervisor Ramos?

6 SUPERVISOR RAMOS: Yes.

7 CLERK OF THE BOARD: Mayor Romero?

8 MAYOR ROMERO: Yes.

9 CLERK OF THE BOARD: Mayor Wilson is absent.

10 Motion passes eight ayes, one recusal and --
11 well, four absences. Thank you.

12 PRESIDENT ARREGUIN: Okay. Thank you very
13 much. So that completes this matter, and thank you to
14 Santa Clara County for joining us this afternoon and for
15 your presentation.

16 With that, that completes our business for
17 this afternoon.

18 So before I adjourn, any comments from members
19 of the administrative committee?

20 I believe our meeting next Friday on the 29th
21 will be the last round of appeals that we'll be
22 considering, and then at that time we'd either continue
23 discussion, or we can take final action.

24 So just want to just call attention to those
25 listening and participating in the meeting today, that I

1 believe on the 29th we will be agendaizing an
2 opportunity to close the public hearing and consider
3 taking final action on all the appeals.

4 Mayor Eklund?

5 MAYOR EKLUND: Thank you very much, President
6 Arreguin.

7 I just wanted to again thank staff for doing
8 an outstanding job in this whole process. It's not an
9 easy one, and there's always areas for improvement, but
10 I feel as though that the staff has presented these
11 responses very professionally and has looked at all
12 different sides, and really wanted to thank them very
13 much for keeping an open view and stating the facts
14 that, really -- I just really appreciate that a lot.

15 And you don't appear biased at all. You
16 appear very fair, even keel, and so that -- that to me
17 says a lot about who you are and how you treat your
18 work.

19 And the other thing I wanted to do is again
20 compliment President Arreguin. This is the first time
21 where I felt as though that we've been heard in a RHNA
22 allocation process. And, you know, we may agree to
23 disagree, but that's okay. It's the getting the issues
24 out and talking about them objectively and trying to
25 look at the future and how we can make it a better

1 process.

2 So, again, I just wanted to thank everyone,
3 including all my committee members. Thank you very much
4 for accepting and hearing my questions.

5 As you know, I do my homework, and I get
6 criticized for that all the time, but it's part of my
7 regulatory background, unfortunately, having worked for
8 EPA for 35 years. It's just something we were engrained
9 and taught.

10 Anyway, thank you very much, President
11 Arreguin, fantastic job. I think we owe him a round of
12 applause for everything, very, very much.

13 PRESIDENT ARREGUIN: Thank you so much. I
14 really appreciate the thoughtful discussion we've had,
15 particularly today on some of the appeals. I think it's
16 identified a lot of issues for us to discuss around sort
17 of what's next. And appreciate all the really great
18 questions that everyone has asked.

19 I will go next to Mayor Romero and Mayor
20 Hudson.

21 MAYOR ROMERO: Very quickly I wanted to echo
22 committee member Eklund's comments, and, in particular,
23 again, say that staff did a tremendous amount of work to
24 get us here, particularly Gillian.

25 And I know we're not completely done. I will

1 not be at the next hearing because I'll be backpacking
2 in a place where there's absolutely no cell phone
3 coverage, but wish you all the best on that next
4 meeting.

5 And certainly to the president of ABAG and the
6 chair of this committee, I know we all have our
7 proclivities in terms of where we want things to go. I
8 think you did a phenomenal job and are doing a
9 phenomenal job in chairing these meetings to not let
10 your particular interests or concerns to intervene, and
11 you really have led us in an impartial way, particularly
12 through your leadership and your guidance in this
13 process, to understand, review, and deliberate on
14 these -- on all of these appeals.

15 So thank you very much for that leadership.

16 PRESIDENT ARREGUIN: Thank you, Mayor Romero.
17 I appreciate that.

18 Mayor Hudson.

19 MAYOR HUDSON: Yeah, Jesse was okay. I'm just
20 kidding.

21 I have to bring this up because you have
22 really taken the ship in the right direction so far, and
23 after the passing of those proclamations last night,
24 it's very easy to just sit back and, say, yeah,
25 everything is great and done. But it's the amazing

1 thing about a race, you get 90 percent through it, for
2 some reason it's like you don't want to finish it.

3 I would ask that all of us listening, and
4 particularly the president, stay with this thing until
5 the very last I is dotted and T is crossed because it's
6 just so easy to sit back and say it's done when it's
7 not. And I'm afraid after the plan gets in there, that
8 everybody is going to be so burnt out, they're just
9 going to say: Here it is, read it.

10 That's not going to happen, folks. We gave
11 ourselves a pretty big mountain to climb now that we've
12 given everybody these numbers. It doesn't matter if
13 they don't do it.

14 I know I'm stressing trying to get my planning
15 commissioners to realize somebody brings in a housing
16 project, you better have the greatest reason in the
17 world to deny even listening to it. And their answer
18 is, well, I don't like it. Well, those days are gone.
19 If you haven't figured it out yet, those days of "I
20 don't like it," they're over because there's some people
21 in Sacramento that do like it.

22 But, Jesse, I think with the way you've
23 handled this and brought it along to this point, we are
24 well positioned to defend anything we've said, anything
25 we've done, and the direction we're going to take.

1 I just say stay the course and let's keep
2 pushing.

3 PRESIDENT ARREGUIN: Thank you. That's a good
4 transition to adjournment.

5 So the ABAG administrative committee will
6 continue this public hearing on RHNA appeals to the Bay
7 Area Metro Center or remotely via Zoom on Friday,
8 October 29th, 2021, from 9:00 a.m. to 5:00 p.m., or
9 whenever we adjourn.

10 And that will be the meeting where we may
11 potentially take final action on all these appeals. So
12 I want to call attention to that, to the panelists and
13 attendees.

14 I want to thank my colleagues. You put in
15 countless hours, reviewing the materials, attending
16 these meetings really, asking thoughtful questions.
17 Definitely we owe you a debt of gratitude. And I've
18 been in touch with staff around how to properly thank
19 the committee for your time and your work in considering
20 these appeals. So stay tuned.

21 But with that, this meeting is adjourned.
22 Hope everyone has a great weekend, and we are adjourned
23 to next Friday, October 29th.

24 (Proceedings adjourned at 1:48 p.m.)

25

1 STATE OF CALIFORNIA)
2) ss
3 COUNTY OF CONTRA COSTA)
4

5 I hereby certify that the foregoing in the
6 within-entitled cause was taken at the time and place
7 herein named; that the transcript is a true record of
8 the proceedings as reported by me, a duly certified
9 shorthand reporter and a disinterested person, and was
10 thereafter transcribed into typewriting by computer.

11 I further certify that I am not interested in the
12 outcome of the said action, nor connected with, nor
13 related to any of the parties in said action, nor to
14 their respective counsel.

15 IN WITNESS WHEREOF, I have hereunto set my hand
16 this 4th day of November 2021.

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JOAN MARIE COLUMBINI, CSR 5435